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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,575	06/28/2000	Anu K. Pathria	ISAA0046	6029

7590 04/09/2004

GLENN PATENT GROUP  
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MENO PARK,, CA 94025

EXAMINER
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LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/606,575

Applicant(s)

PATHRIA ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

ML

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-46.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

ML  
MELANIE A. KEMPER  
PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant argues that Prezioso only teaches the profile of a physician and does not teach a multiple entity profile. The Examiner answers that Prezioso teaches in column 6, lines 15-63 that "In the case of profiling the peer group of physicians, for the target behavior of fraudulent billing practices, those physicians (entities within the peer group) measuring the greatest degree of abnormal activity, for a large number of behavior characteristics that are considered fraud indicators, can be reasonably suspected of fraud. Physicians are only one peer group for which behavior profiles can be determined in the domain of health care. Other peer group examples in health care include, professional clinics, hospitals, medical supply companies, etc...Peer groups can also be defined as business units such as profit and loss units, branch offices within the company". Therefore, Prezioso teaches multiple entity profiles, which are the peer group profiles. The Applicant argues that Prezioso does not teach "enhancing at least one single entity profile using at least one multiple entity profile to generate the enhanced profile". The Examiner answers that Prezioso teaches in column 10, lines 11-20 that "In a preferred embodiment of the present invention the mean, median, and mode value for each behavior characteristic for each entity in the peer group is derived. Further, the end user selects which one of these statistics is to be used to define normal for the behavior characteristic. Also, column 11, lines 3-9 that "the right edge is shown as 19.7% indicating this as a completely abnormally high percentage of Sunday and Holiday visits for the peer group. Physicians having values for this behavior characteristics at, or near, 19.7% are behaving abnormally and therefore will have a truth value near one within the set of abnormal physicians for this behavior characteristics (i.e. % Sunday/Holiday visit)". Therefore, Prezioso teaches enhancing at least one single entity profile, which would be the physician or provider's profile, using at least one multiple entity profile, which would be the peer group profile, to generate the enhanced profile, which would be the degree of abnormality of a physician profile or single entity profile in comparison to the peer group profile. The provider or single entity would enhance his profile by associating his profile with a degree of abnormality. This degree of abnormality behavior would indicate the probability that a provider or a single entity is committing some kind of fraud activity, using the entity peer group profile as comparison. The Applicant argues that Prezioso does not teach an interactive process. The Examiner answers that for Prezioso to calculate variables such as, abnormally high percentage of office visits taking place on Sundays and Holidays; an abnormally high percentage of office visits for patients living outside the normal geography of the physician's practice; an unusually high percentage of radiology visits (see column 8, lines 54-63) and to measure a degree of abnormality, Prezioso would need to make multiple passes through the transaction data to compute features based on each different entity.